

REMARKS

The Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-29 are requested to be canceled.

Claims 30-53 are being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 30-53 are now pending in this application.

Claim Rejections – 35 U.S.C. § 103

Claims 1-2, 5-20, 22, and 24-29 were rejected under § 103 (a) as being obvious by U.S. Patent No. 5,353,023 by Mitsugi and U.S. Patent No. 6,959,282 by Kakihara et al., in view of U.S. Patent Publication 2002/0062218 by Pianin. The Applicants respectfully submit that neither reference, alone or in combination, renders obvious that which is claimed in the present application. The Applicants have since canceled claims 1-29 and now presents claims 30-53, none of which are anticipated or rendered obvious by the prior art of record.

Newly presented claims 30-53 are not rendered obvious under § 103 (a) by U.S. Patent No. 5,353,023 by Mitsugi and U.S. Patent No. 6,959,282 by Kakihara et al., in view of U.S. Patent Publication 2002/0062218 by Pianin. Particularly, neither reference teaches or suggests newly presented claim 30 because neither reference teaches or suggests a system or method for pricing a product including (i) “a mobile computing device including a wireless transceiver configured to provide wireless communication,” (ii) “a location circuit configured to provide

location data based on the location of the mobile computing device,” or (iii) “a data processor configured to receive the location data and to set a price for the product based on the location data.”

With regard to the newly presented claims, the Applicants respectfully submit that the Office Action fails to establish a *prima facie* case of obviousness. More specifically, for at least the reasons stated below, no proper combination of Mitsugi, Kakihara, and Pianin teaches or suggests the subject matter of the present claims. In order to establish a *prima facie* case of obviousness, the Examiner must show that the prior art reference (or references when combined) must teach or suggest *all the claim limitations*. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure. (*See* Manual of Patent Examining Procedure § 2143.03.) In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). In this case, the prior art of record does not show a system for pricing a product including “a mobile computing device including a wireless transceiver configured to provide wireless communication; a location circuit configured to provide location data based on the location of the mobile computing device; and a data processor configured to receive the location data and to set a price for the product based on the location data,” as in newly presented claim 30.

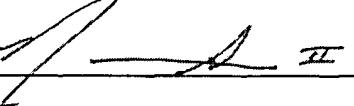
Claims 39 and 48 are newly added independent claims. Claims 39 and 48 teach pricing a product based on the location of a mobile computing device, and are similarly structured to independent claim 30. Claims 39 and 48 are further structured to include additional recitations regarding a product pricing method and system, which render the present claims novel and non-obvious over the cited prior art.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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By 

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